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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,740	01/25/2002	Richard Dean Dettinger	IBM / 210	9916

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EXAMINER

DAO, MINH D

ART UNIT PAPER NUMBER

2682

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/056,740	Applicant(s) DETTINGER ET AL.	
	Examiner MINH D DAO	Art Unit 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3, 5, 6, 8-10, 12-15, 17, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Awada et al. (US 6,831,970).

Regarding claim 1, Awada teaches a method of controlling the response of a wireless communication device (see the summary of Awada) comprising the following steps: scheduling a time period in an application on a first device during which the response of a second wireless communication device is to be modified (see fig.3; col. 7, lines 20-42); networking the first device with the second wireless communication device; and, transmitting a signal from the first device to the second device modifying the response of the second wireless communication device for the time period scheduled in the application on the first device (see fig.3; col. 7, lines 20-42).

Regarding claim 2, Awada teaches the method of claim 1 wherein the first device is a personal digital assistant (see col. 2, lines 18-21).

Regarding claim 3, Awada teaches the method of claim 1 wherein the second wireless communication device is a cellular telephone (see fig. 3, Telephone 120).

Regarding claim 5, Awada teaches the method of claim 1 wherein the application on the first device is a calendar function in Palm OS and the first device is a Palm OS compatible device (see col. 2, lines 18-21).

Regarding claim 6, Awada teaches the method of claim 1 wherein the modification of the response of the second wireless communication device prevents the second wireless communication device from sounding an audible alert (see col. 7, lines 59-66).

Regarding claim 8, Awada teaches a wireless communication device comprising: a processor (see fig. 2, item 200), a wireless communications interface (see fig. 2, item 210), and storage for executable code (see fig. 2, item 220), the processor executing the executable code to allow a user to schedule a time period during which the response of the wireless communication device to wireless communications is to be modified (see fig.3; col. 7, lines 20-42), and modifying the response of the wireless communication device to wireless communications during a time period scheduled by the user (see fig.3; col. 7, lines 20-42).

Regarding claim 9, the claim has the same limitation as that of claim 2, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 2.

Regarding claim 10, the claim has the same limitation as that of claim 3, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 3.

Regarding claim 12, the claim has the same limitation as that of claim 5, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 5.

Regarding claim 13, the claim has the same limitation as that of claim 6, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 6.

Regarding claim 14, Awada teaches a program product (see col. 5, lines 31-39) for a wireless communication device, the program product comprising: executable code to allow a user to schedule a time period wherein the response of the wireless device to wireless communications is modified (see col. 6, lines 43-60; also see fig.3; col. 7, lines 20-42).

Regarding claim 15, Awada teaches the program product of claim 14 wherein the executable code further includes networking code for networking with a second device (see col. 6, lines 43-60; also see fig.3; col. 7, lines 20-42).

Regarding claim 17, Awada teaches the program product of claim 15 wherein the executable code is further configured to allow a user of the second device to schedule a time period in which the response of the wireless communication device to wireless communications is modified (see col. 5, lines 31-39; col. 6, lines 43-60; also see fig.3; col. 7, lines 20-42).

Regarding claim 18, the claim has the same limitation as that of claim 6, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 6.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 4, 11, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awada et al. (US 6,831,970) in view of Bell (US 6,600,902).

Regarding claim 4, Awada teaches the limitations of claim 1 but does not mention that the first device is networked with the second wireless device using Bluetooth. Bell, in an analogous art teaches this limitation (see fig. 1; col. 4, lines 24-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the devices of Awada so that they would be able to communication using Bluetooth application for the benefit of securing the identification exchanging between the devices.

Regarding claims 11 and 16, the claims have the same limitation as that of claim 4, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 4.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Awada et al. (US 6,831,970) in view of Roundtree (US 6,640,098).

Regarding claim 7, Awada teaches the limitations of claim 1 but does not mention that the modification of the response of the second wireless communication device causes the second wireless communication device to return an indication that a user is busy or unavailable. Roundtree, in an analogous art, teaches this limitation (see fig. 5; col. 9, lines 1-13). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of Awada so that the response from the device may indicate the availability of the services and the associated entities in order to locate the entities (coffee shop, gas station or retail store) within operating range (see Roundtree, col. 9, lines 1-13).

Response to Arguments

4. Applicant's arguments filed on 09/21/2004 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH D DAO whose telephone number is 703-305-5589. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN C CHIN can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Minh Dao *MD*
Art Unit 2682
March 10, 2005


LEE NGUYEN
PRIMARY EXAMINER